

Nays: Messrs. Davis, Gage, Grimes, McRae, Pease, Phillips, Portis, Robertson, Taylor, Truit and Van Derlip—11; lost.
On motion of Mr. Hart, the Senate adjourned.

MONDAY, 9 o'clock, A. M., January 7, 1850.

The Senate was called to order by the President. Senators present: Messrs. Brashear, Cooke, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

The journals of Saturday were read and adopted.

Mr. Gage presented the petition of James R. Pace, asking compensation for running connecting lines; read, and, on motion of Mr. Gage, referred to the committee on Claims and Accounts.

Mr. Cooke presented the petition of James Nelson, praying for 320 acres of land; on motion of Mr. Cooke, referred to the committee on Private Land Claims, without reading.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported a bill to authorize the Commissioner of the General Land Office to issue a head-right certificate, first class, for one league and labor of land to James Taylor, and for one-third of a league to the heirs of William Irvin Lewis, correctly enrolled.

Mr. Taylor, from the committee on Engrossed Bills, reported the following bills correctly engrossed, viz:

An act to amend the first section of an act entitled an act to create the county of Anderson, approved March 24, 1846;

A bill to be entitled an act requiring the election of county treasurers by the people;

An act requiring the Comptroller to audit the claim of Fernando De Leon for cattle, horses and mules furnished the army of Texas in the years 1835 and 1836.

An act to authorize Mrs. Julia Stanton to take the guardianship of her son, William Ewing Stanton; and,

A bill to be entitled an act to divide the State of Texas into two Supreme Court Districts.

Mr. Cooke offered the following resolution:

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of passing a law authorizing the Commissioner of the General Land Office to issue patents on land surveyed on eleven league grants or any part of an eleven league grant, and that they report by bill or otherwise.

Mr. Parker introduced a bill defining the time when all laws hereafter enacted by the Legislature of the State of Texas shall take effect; read first time.

Mr. Kinney introduced a bill appropriating to the Governor the sum of five hundred dollars to pay the house rent and the serving of a porter; read first time.

A message was received from the House of Representatives, informing the Senate that the House had passed the following bills which originated in the Senate, viz :

A bill supplementary to an act to establish and incorporate the college of De Kalb, approved January 26th, 1839; and,

A bill to legalize the head-right certificate of Simon P. Barnes ;

Also, the following bills which originated in the House, viz :

A bill to incorporate the city of Brownsville ;

A bill to extend and define the eastern boundary of Caldwell county ;

A bill to secure to the German Emigration Company and their colonists the lands to which they are entitled, and to adjust the liabilities of said company ; and,

A joint resolution authorizing the Governor to subscribe for three hundred copies of the second and third volumes of the decisions of the Supreme Court of this State.

ORDERS OF THE DAY.

The President of the Senate announced the following communication from Thomas Green, clerk of the Supreme Court ; which was read, and, on motion of Mr. Gage, referred to the Select committee to which was referred a communication of like character a few days since :

To the Honorable Senate :

I herewith furnish the number of cases from the counties respectively. These include all which were *undecided* at previous terms, and the cases brought up to this term, viz :

All the pending cases for the December Term, 1849.

Anderson	1	Comal	1	Harris	17
Austin	6	Dallas	4	Harrison	9
Bastrop	5	De Witt	1	Hays	2
Bexar	16	Fannin	7	Heiderson	1
Bowie	4	Fayette	12	Houston	22
Brazoria	5	Fort Bend	3	Hunt	1
Calhoun	1	Galveston	20	Jefferson	2
Cameron	1	Goliad	1	Lamar	7
Cass	16	Gonzales	9	Leon	4
Cherokee	1	Grimes	2	Liberty	3

Collin	7	Guadalupe	10	Matagorda	3
Colorado	6	Grayson	3	Milam	2
Montgomery	5	Robertson	2	Travis	15
Nacogdoches	7	Rusk	2	Upshur	1
Navarro	1	Sabine	2	Victoria	11
Newton	1	St. Augustine	15	Waker	16
Polk	5	Shelby	1	Washington	16
Red River	17	Smith	3	Wharton	1

I have the honor to be,

Respectfully, your ob't serv't,

THOMAS GREEN, Clerk S. C.

Austin, January 6, 1850.

A joint resolution instructing our Senators and requesting our Representatives in Congress to endeavor to secure the passage of a law requiring the United States District Court for the District of Texas to be held at more places than one; read.

Mr. Brashear offered the following amendment: Strike out after the word "he d" the balance of the section, and insert "at three places in the State of Texas to be designated by the Texas delegation in Congress"; upon which amendment the yeas and nays were called, and were as follows:

Yeas: Messrs. Brashear, Moffett and Parker—3.

Nays: Messrs. Gage, Hart, Kinney, Latimer, McRae, Pease, Phillips, Portis, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—14; rejected.

The joint resolution was then ordered to be engrossed?

Joint resolution granting the right of way to the United States for a Rail-Road to the Pacific Ocean.

On motion of Mr. Phillips, it was read by sections.

Mr. Van Derlip offered to amend the 3d section by inserting after the words "United States" the following: "by paying therefor the sum of 20 cents, per funds, per acre which may be discharged in the liabilities of the late Republic, at the rate certified by the Auditor and Comptroller upon each certificate respectively.

Mr. Wallace moved to amend the amendment by striking out "20 cents," and inserting "\$1 25."

On motion of Mr. Cooke, the Senate adjourned until three o'clock, p. m.

THREE O'CLOCK, P. M.

The Senate was called to order—quorum present.

Question on the adoption of Mr. Wallace's amendment to the amendment proposed by Mr. Van Derlip; rejected.

Mr. Wallace moved to amend the amendment by striking out "20 cents," and inserting "one dollar"; rejected.

Mr. Wallace moved to amend by striking out "20," and inserting "75"; upon which the yeas and nays were as follows:

Yeas: Messrs. Cooke, Davis, Gage and Wallace—4.

Nays: Messrs. Brashear, Grimes, Hart, Latimer, Moffett, Parker, Pease, Portis, Robertson, Taylor, Van Derlip, Ward and Walker—13; rejected.

Mr. Wallace moved to amend by striking out "20," and inserting "50"; rejected.

The question then recurred on Van Derlip's amendment; the yeas and nays stood as follows:

Yeas: Messrs. Cooke, Davis, Gage, Grimes, Parker, Pease, Van Derlip and Wallace—8.

Nays: Messrs. Brashear, Hart, Latimer, Moffett, Portis, Robertson, Taylor, Truit, Ward and Walker—10; rejected.

Mr. Grimes moved to amend by adding to the 3d section:—"The expense of laying off the sections and alternate sections to be incurred by the United States"; adopted.

Mr. Gage moved to amend by striking out the 3d section.

Mr. Robertson moved a call of the Senate; carried.

On motion, the call was suspended; the yeas and nays were then called on striking out the 3d section, and were as follows:

Yeas: Messrs. Gage, Parker, Pease, Van Derlip and Wallace—5.

Nays: Messrs. Brashear, Cooke, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Portis, Robertson, Taylor, Truit, Ward and Walker—14; rejected.

Mr. Grimes offered to amend by inserting the following section:

"Sec. 4. *Be it further resolved*, That the alternate sections reserved to the State shall not be subject to location, but shall be held and reserved to the use of this State, and subject to future disposition by the Legislature"; adopted by the following vote:

Yeas: Messrs. Brashear, Cooke, Grimes, Hart, Latimer, McRae, Moffett, Parker, Portis, Robertson, Taylor, Truit, Ward and Walker—14.

Nays: Messrs. Davis, Gage, Kinney, Pease, Van Derlip and Wallace—6.

Mr. Robertson offered the following proviso to the 3d section:

"Provided that if the Government of the United States shall not have adopted this route for the construction of this road by the 4th day of March, 1851, then and in that case, this act shall cease and have no force or effect; and provided, further, that if the Government of the United States should adopt a different

route for said road before the 4th day of March, 1851, then and in that case, this act shall cease and have no further force and effect"; adopted.

The joint resolution was then ordered to be engrossed.

Mr. Van Derlip presented the following communication:

CITY OF SAN ANTONIO, Dec. 30, 1849.

To the Honorable the Senate and

House of Representatives of the Legislature of Texas:

Messrs.—The undersigned committee of invitation, on the part of a public meeting of the citizens of San Antonio, convened for the purpose of tendering a complimentary ball to Generals Brooke, Harney and Garland, to be given on the 8th day of January, A. D. 1850, have the honor of requesting your presence on that occasion.

With respect, we are,

Your Obedient Servants,

SAMUEL H. LUCKIE,

F. L. PASCHALL,

G. H. GIDDINGS,

J. A. DURAND.

Mr. Portis offered the following resolution:

Resolved by the Senate of the State of Texas, That the Senate has received, with the liveliest pleasure, the complimentary invitation of the citizens of San Antonio conveyed to us, through Messrs. Luckie, Paschall, Giddings and Durand, to attend a ball, on the 8th inst., the recurrence of an anniversary which the entire American people so much delight to honor.

Resolved, That the thanks of the Senate be tendered to our fellow-citizens of San Antonio for their compliment, through our presiding officer, the Lieutenant Governor; and that he expresses to them our best wishes for the continued prosperity of their beautiful and flourishing city.

On motion of Mr. Robertson, the rule was suspended, and resolution adopted.

Mr. Pease presented the petition of David Randon; on motion of Mr. Pease, referred to the committee on State Affairs.

Resolution instructing the committee on Indian Affairs to inquire into and report upon the expediency of granting to Hosea Maria and the remainder of his tribe of Indians leave to occupy and cultivate three leagues of land, &c.; read, and, on motion of Mr. Cooke, referred to a Select committee.

Messrs. Cooke, Portis and Truit were appointed said committee.

A bill to establish the La Salle and El Paso Rail-way Com-

pany; read and, on motion of Mr. —, ordered to be engrossed.

Mr. Brashear introduced a bill to prevent and to punish attorneys, counsellors-at-law, agents and others from and for swearing to facts in the proceedings or prosecution of civil or criminal cases in the courts and tribunals of the State, unless such facts or data be within their own personal knowledge, and not upon the information of others; read first time.

Mr. Brashear, chairman of the Select committee, to whom was referred a bill requiring costs to be paid in cases of appeals to the Supreme Court, and changes of venue, reported the same back to the Senate, without amendment, and recommended its passage.

Mr. Pease, chairman of the committee on Internal Improvements, to whom was referred a bill to incorporate the Brazos, San Bernard and Oyster Creek Canal and Navigation Company, reported the same back to the Senate, with the following amendments, and recommended their adoption and the passage of the bill.

1st amendment: Strike out the 11th, 12th, 13th, 14th, 15th, 16th and 21st sections of the act.

2d amendment: Make the 17th section the 11th; make the 18th the 12th; make the 19th the 13th; make the 20th the 14th, and make the 22d the 15th.

Mr. Wallace made the following report:

COMMITTEE ROOM, January 7, 1850.

To the Hon. John A. Greer,

President of the Senate:

The committee on Enrolled Bills have examined a bill to be entitled an act to authorize James Knight to adopt Lucinda E. Nibbs, daughter of Mary Beckham, deceased, late of the county of Fort Bend:

A joint resolution, relative to the payment of certain volunteer companies for services rendered the western frontier; and,

A joint resolution providing for the mutual surrender of persons therein mentioned by the Governments of the United States and Mexico, all of which were correctly enrolled.

Mr. McRae made the following report:

COMMITTEE ROOM, January 7, 1850.

To the Hon. John A. Greer,

President of the Senate:

The committee on Contingent Expenses who were instructed to report to the Senate what amount of the five thousand dollars

appropriated to defray the contingent expenses of the present session of the Legislature has been used, and for what purpose, beg leave to report herewith a statement of all payments that have been made out of said appropriation.

J. H. McRAE, Chairman.

Statement of the Contingent Fund of the Legislature for 1849.

Amount appropriated November 26, 1849,	\$5000 00
Amount paid Albert Von Ger Mar for translating Governor's message into German language -	\$65 00
" " De Cordova & Co. for 2090 copies of S. W. American for use of Legislature -	62 70
" " E. Wolff for translating Governor's message into the Spanish language -	25 00
" " Joel Lee for table and spittoons for Senate -	23 00
" " Benj. Grumbles for wood -	80 00
" " Joel Lee for repairs on Capitol -	25 00
" " Thos. Ward for repairs on Capitol -	498 92
" " Leander Brown for repairs, lumber, &c. -	25 00
" " De Cordova & Co. for 1305 copies of S. W. American -	39 15
" " S. G. Haynie for postage -	883 88
" " W. H. Cushney for printing and papers -	857 83
" " do do -	440 25
" " John Buchanan for translating Governor's message into Spanish language -	50 00
" " F. H. Clark for 5 of De Cordova's maps -	12 50
" " M. B. Irwin for cleaning Senate Chamber -	5 00
" " Lamar Moore's bill of sundries -	26 73
" " R. H. Peck for watering-pot -	1 75
" " H. E. McCulloch for chairs -	11 25
" " R. H. Peck for stationery -	69 85

Amount paid	Joel Lee for repairs on Capitol, &c. - - - - -	17 25	
"	" De Cordova & Co. for papers S. W. American - -	139 00	
"	" M. B. Irwin for porter's hire -	30 00	3389 06
	Balance undrawn		\$1610 94

"	" J. De Cordova & Co. for papers, printing, &c. - - -	152 00	
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Amount undrawn, 7th Dec. 1849, \$1458 94

JAMES B. SHAW, Compt.

Comptroller's Office, Dec. 7th, 1849.

The following bills and joint resolutions, from the House of Representatives, were severally read first time, viz :

A bill to authorize Bailey English, Thomas Cowart and their associates to construct a turnpike road from the town of Bonham, in the county of Fannin, across the Bois d'Arc bottom to the highland on the east side of said stream in the direction of the town of Paris, in Lamar county ;

A bill to change the time of holding the courts in a part of the Fourth Judicial District ;

A bill for the relief of the heirs of those who fell with Fannin, Ward, Travis, Grant and Johnson during the war with Mexico, in the year 1836 ;

A bill to repeal an act authorizing the appointment of a fiscal agent, and for the better security of the revenue, approved March 20th, 1848 ;

A bill to authorize the surveyor of Smith county to record certain field notes therein mentioned ;

A bill for the relief of Samuel G. Newton & Co., and Tilly & Hewitt ;

A bill supplementary to an act entitled an act supplementary to an act to create the county of Smith, approved February 26th, 1848 ;

A bill for the relief of Washington H. Secrest ;

A bill to define the time of holding the District Court in the Fifth Judicial District ;

A bill to amend an act entitled an act to incorporate the Baylor University, approved February 1st, 1845 ;

A joint resolution authorizing the Governor to subscribe for

three hundred copies of the second and third volumes of the decisions of the Supreme Court of this State;

A joint resolution for the relief of the heirs of William S. Tuten;

A bill to secure to the German Emigration Company and their colonists the lands to which they are entitled, and to adjust the liabilities of said company.

Mr. Van Derlip presented two several petitions from the citizens of Bexar and Comal counties;

Mr. Phillips presented the petition of the citizens of Lavaca county;

Mr. Pease presented the petition of the citizens of Galveston county; which several petitions were presented to accompany the bill.

On motion of Mr. Wallace, a bill to repeal an act to provide for closing the business of the late War and Marine Department, and to transfer the books, records and papers of the Adjutant General's office to the office of Secretary of State, was taken from the table and placed among the orders of the day.

On motion of Mr. Gage, bills, in their second reading, were taken up.

Joint resolution authorizing the payment of the unexpended balance of the appropriation made by the joint resolution for the relief of the Texian prisoners in Mexico, approved February 5, 1844, to the persons entitled thereto; read second time, and, on motion of Mr. Gage, referred to the committee on Finance.

A bill for the relief of the heirs of Arthur Eldridge; read second time, and, on motion of Mr. Parker, referred to the committee on Private Land Claims.

A bill for the relief of Mary R. Harris; read second time, and, on motion of Mr. Robertson, referred to the committee on Public Lands.

A bill to authorize Bartlett Sims to raise a location therein named, and to locate the same on any vacant land; read second time, and, on motion of Mr. Parker, referred to the committee on Private Land Claims.

A bill to establish the Atlantic and Pacific Rail-way company; read second time, and, on motion of Mr. Parker, referred to the committee on Internal Improvement.

A bill to authorize the county court of Harrison county to have record book B of bonds, deeds, mortgages and other instruments of writing, now in the county clerk's office of said county, transferred; read second time, and, on motion of Mr. Taylor, referred to a Select committee of three.

Messrs. Taylor, McRae and Ward were appointed said committee.

A bill to change the time of holding the District Court in the First Judicial District; read second time and ordered to be engrossed.

Joint resolution for the relief of John W. Lyttle; read second time and ordered to be engrossed.

On motion of Mr. Parker, the Senate adjourned.

TUESDAY, 9 o'clock, A. M., January 8, 1850.

The Senate was called to order by the President pro. tem.—
Senators present: Messrs. Brashear, Cooke, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

The journals of yesterday were read and adopted.

A message was received from the House of Representatives, informing the Senate that the House had passed the following bills originating in the House, viz:

A bill to perfect the land titles in Castro's colony;

A bill to create the county of Wood;

A bill for the relief Thomas Wm. Ward;

A bill to create the county of Bell;

A bill granting a charter to the Galveston and Brazos Navigation Company;

A bill to amend the charter of the town of Goliad;

Also, that the House had passed a resolution to adjourn on Saturday, the 1st day of February next, *sine die*.

Mr. Taylor, chairman of the Select committee, to whom was referred a bill to authorize the county court of Harrison county to have record book B of bonds, deeds, mortgages and other instruments of writing, now in the county clerk's office of said county, transcribed, reported the same back to the Senate, without amendment, and recommended its passage.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a bill for the relief of Mary Henderson, reported the same back to the Senate and recommended its passage.

Mr. Robertson, chairman of the committee on Private Land Claims, to whom was referred a bill requiring the Commissioner